

Patent
Docket No.: 54537USA3A/001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fagan et al.

Serial No.: 09/185,208

Filed: November 3, 1998

For: LAB Pattern-Coated Films

Group Art Unit: 1772

Examiner: Jessen, D.

Response

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed January 21, 2000 and in combination with Applicants' Petition for a Three (3) Month Extension of Time extending the time to respond from April 21, 2000 to July 21, 2000, Applicants respectfully request reconsideration.

Remarks

For convenience, Applicants have set forth their comments under subheadings relating to the various issues presented by the Examiner in the Office action.

Rejection under 35 U.S.C. § 102(e)

Claims 1, 3 and 4 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Butler et al. (US. 5,928,726).

For an anticipation rejection under 35 U.S.C. § 102 to stand, the cited reference(s) must meet each and every element of the claimed invention. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); *Kloster Speedsteel AB et al. v. Crucible Inc. et al.*, 230 U.S.P.Q. 81, 84 (Fed. Cir. 1986). Accordingly, the "exclusion of a claimed element from a prior art reference is enough to negate anticipation

Certificate of Mailing

Pursuant to 37 CFR 1.8 I certify that this correspondence is being deposited on the date indicated below with the United States Postal Service as First Class Mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Date:

21 July 2000

Signature

Carolyn Peters